

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

246M0108

HOUSE BILL NO. 1006

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
State Brand Board

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to out-of-state cattle
2 brands and to establish a penalty.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 40-19 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may bring cattle branded with a brand registered in another state into the
7 ownership inspection area for grazing or feeding purposes without a permit authorized by the
8 board pursuant to § 40-18-16. No permit may be issued if the brand is a duplicate of or conflicts
9 with a brand issued pursuant to this chapter. No permit is required if the cattle are rebranded
10 with a brand registered pursuant to this chapter. The application for a permit shall be on a form
11 approved by the board and shall be signed by the owner of the cattle. The board shall charge a
12 fee pursuant to § 40-18-16. Any calves born to cattle which are subject to the permit may be
13 branded with the out-of-state brand upon prior written notice to the board. The calves shall be
14 added to the permit. No cattle or calves subject to the permit may be removed from the
15 ownership inspection area, sold, or slaughtered without an ownership inspection.



1 No person may brand any cattle imported into or purchased within the ownership inspection
2 area for feeding purposes with a brand registered in another state without a permit authorized
3 by the board pursuant to § 40-18-16. No permit may be issued if the brand is a duplicate of or
4 conflicts with a brand issued pursuant to this chapter. The application for a permit shall be
5 signed by the owner of the cattle. The board shall charge a fee pursuant to § 40-18-16. No cattle
6 subject to the permit may be removed from the ownership inspection area, sold, or slaughtered
7 without an ownership inspection.

8 The board shall promulgate rules pursuant to chapter 1-26 for the suspension or revocation
9 of the permit for violations of this section, or for violations of chapters 40-19, 40-20, and 40-21,
10 inclusive.

11 A violation of this section is a Class 1 misdemeanor.

12 Section 2. That § 40-19-10 be repealed.

13 ~~40-19-10. Any person before bringing into this state and turning loose for grazing purposes~~
14 ~~any livestock already branded, shall present to the board a statement of the brand on such~~
15 ~~livestock, and if in the judgment of the board, such brand is a duplicate of or in conflict with any~~
16 ~~previously registered brand, the board shall so notify the person bringing the livestock into this~~
17 ~~state. The board may require the owner of the livestock to rebrand the livestock with a~~
18 ~~nonconflicting brand prior to turning the livestock loose. A violation of this section is a Class~~
19 ~~1 misdemeanor.~~